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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/010,112	11/13/2001	Andrew R. Ferlitsch	10237.10	4303

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EXAMINER
QIN, YIXING

ART UNIT	PAPER NUMBER
2625	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)
Office Action Summary	10/010,112	FERLITSCH, ANDREW R.
	Examiner	Art Unit	
	Yixing Qin	2625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>20 November 2006</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4,5,7,8,10-14,16,18,20,29 and 33-48* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4,5,7,8,10-14,16,18,20,29 and 33-48* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date <u>2/2/06</u>.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to the current claims in the application have been considered but are moot in view of the new ground(s) of rejection.

Regarding claims 7 and 34, the motivation for the combination of the references is not completely unfound. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it is known that the use of the embedding of the user and password information in a job makes it easier to track a job and to ensure that a job is properly printed for the correct user.

Regarding the EMF pathnames/page file offsets, the Examiner's point is the pathnames/page file offsets are readily available in the Window's operating system's spooling mechanism as disclosed by the Applicant in the applicant's specification in P[0052] and P[0071]. The identification of the total number of pages is done by counting the total number of pathnames/page file offsets. Since all the information is available, it is obvious to one of ordinary skill to just count the number of EMF pathname because they equal the number of total pages in a job. The Examiner does not believe

it is improper hindsight as long as one of ordinary skill at the time of the invention would

have realized this fact.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

I.   Claims 1, 4, 5, 8, 10, 29, 33, 35-38 and 46-48 are rejected under 35 U.S.C.

103(a) as being unpatentable over Kobayashi et al (U.S. Patent No. 7,124,094)

Regarding claims 1 and 29, Kobayashi discloses a system that includes a

computer device and a printing device, a method for providing debit print job

accounting, the method comprising:

receiving a request from a user to render a print job; (Fig. 7, S13)

spooling data of the print job to a spooler of one of:

(i) a client computer devices;

(ii) a print server; (Fig. 7, S23-28 – although not explicitly called spooling,

these steps essentially prepares the print data to be printed.)

using a print subsystem component to authenticate the user and an account of

the user, wherein the print subsystem component is one of: (Fig. 7, S12)

(i) the spoolers; and

(ii) a print processor; (Fig. 7, S12, column 21, 63-column 22, line 3 – the

master server contains some processor to perform the authentication)

using the print subsystem component to parse the spooled data and determine a

layout and a number of pages of the print job, (column 18, lines 35-51) wherein the

costs for the consumables is determined prior to despooling print data of the print job to

the printing device (Fig. 7, item S15)

Kobayashi discloses in column 41, lines 27-54 various ways to pay for the print

job.

It does not explicitly disclose "using the print subsystem component to determine

an amount of available funds in the user's account; and

if the amount of available funds exceeds the cost for consumables, using the

print subsystem component to debit the cost of the print job from the user's account and

rendering the print job at the printing device."

However, column 41, lines 30-31 discloses that a credit or debit card can be

used to pay for the printing. It is well-known that credit and debit cards work based

upon such a system of identifying available funds and debiting if the funds are available.

That is why credit cards can be rejected – because there is a lack of available funds.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have used the above claimed accounting system.

The motivation would have been to enable easy and automatic detection of available funds so that a print job can be paid for.

Therefore, it would have been obvious to have the Kobayashi invention to obtain the invention as specified.

Regarding claim 4, Kobayashi discloses wherein said using a print subsystem component to authenticate the user and the account of the user further comprises receiving information from the user to perform said authentication. (Fig. 7, S12 and column 21, lines 63 – column 2, line 3).

Regarding claim 5, Kobayashi discloses wherein the information received includes a password. (column 9, lines 45-47).

Regarding claims 10 and 33, Kobayashi discloses wherein said using the print subsystem component to parse the spooled data and determine a layout and a number of pages of the print job comprises:

determining sheet assembly requirements for rendering the print job;

determining the resolution to be used to render the print job;

determining whether binding materials are to be used for the print job;

determining the type of print to render the print job;

determining sheet assembly characteristics of the print job; and

determining a type of paper and ink to be used to render the print job. (column

23, line 61 – column 24, line 5 discloses printer specifications)

Regarding claims 35, 36, 37, 46, 47 and 48, Kobayashi discloses a computer

program product using a print subsystem component to authenticate the user and the

account of the user comprises using an application program interface call to pass the

user and account information. (column 16, lines 15-27 – the master server is controlled

by a program. In column 21, line 63 – column 22, line 3 discloses the authentication of

the print client by the server, which would be through a program)

II.   Claims 7 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Kobayashi (U.S. Patent No. 7,124,094) in view of Kurijai et al (U.S. Patent No.

6,618,566).

Regarding claim 7 and 34, Kobayashi discloses the authentication of users using

a password.

It does not explicitly disclose, "wherein said using a print subsystem component

to authenticate the user and the account of the user comprises embedding the user and

the account information in the spooled data."

However, the secondary reference, Kurijai, discloses in Fig. 4 and column 7,

lines 30-34 that information regarding the embedding of the authentication information

with the print job.

Kobayashi and Kurijai are combinable because they are both in the art of job accounting for a print job.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have embedded the authentication information with the print job.

The motivation would have been to make it easier to keep track of jobs and to ensure that the proper jobs are being printed.

Therefore, it would have been obvious to combine Kobayashi and Kurijai to obtain the invention as specified.

III.   Claims 8 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of Yamaguchi (U.S. Patent No. 6,385,675).

Regarding claims 8 and 38, Kobayashi discloses a print job accounting system.

It does not explicitly disclose "wherein if the amount of available funds does not exceed the cost for consumables, denying a spooling of the print data to the printing device."

However, Yamaguchi discloses this limitation in column 4, lines 52-67.

Kobayashi and Yamaguchi are combinable because both are in the art of print job accounting.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have prevented a print job if not enough funds were available.

The motivation would have been to not allow a print job to go through if not enough funds are available to print the job.

Therefore, it would have been obvious to combine Kobayashi and Yamaguchi to obtain the invention as specified.

IV.   Claims 11-13 and 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view of the applicant's admitted prior art in the applicant's specification (Background).

Regarding claims 11, 12, 13, 39, 40 and 41, Kobayashi discloses a system for job accounting and the determination of characteristics of a print job.

It does not explicitly disclose "wherein said determining the number of pages includes counting the number of EMF pathnames."

However, the background discloses in page 19, lines 1-5 that in the Windows 9X family, the spool data file contains pathnames to each EMF page. On page 22, lines 9-13, the applicant's specification discloses that in commonly known page description languages, the page data is parsed and boundaries are identified . On page 25, lines 16-18 the applicant's specification discloses that in the NT/2K family, the spool data file contains a linked index to the file offset. Since all the information is already provided by the OS or by commonly known page description languages, it would have been obvious to one of ordinary skill to simply count up the provided information.

Kobayashi and the Background are combinable because both are in the art of

job accounting for a print system.

Therefore, it would have been obvious to one of ordinary skill in the art at the

time of the invention to have counted the number of EMF pathnames.

The motivation would have been to use the EMF pathnames to easily identify

parts of a print job for easier job accounting.

Therefore, it would have been obvious to combine Kobayashi and the

Background to obtain the invention as specified.

V.   Claims 14, 16, 18, 21, and 42-45 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Kobayashi (U.S. Patent No. 7,124,094) in view Shaw et al (U.S.

Patent No. 5,602,974 – "Shaw").

Regarding claims 14, 16, 42 and 43, Kobayashi discloses the parsing of a print

job.

It does not explicitly disclose "writing print instructions to a printer driver; saving

print instructions and device context in EMF; and initiating spooling of journaled data to

the spooler."

However, the secondary reference, Shaw, discloses in the abstract the spooling

of an EMF (i.e. journaled data) file. Shaw also discloses in Fig. 1 that the EMF contains

various data. Please also see column 3 – column 5 lines 1-30 and the various tables

contained within. Shaw further discloses in column 1, lines 12-18 that raw data are conventionally used.

Kobayashi and Shaw are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Kobayashi 's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine Kobayashi and Shaw to obtain the invention as specified.

Regarding claims 18, 44 and 45, Kobayashi discloses the parsing of a print job. It does not explicitly disclose the steps of :

writing print instructions to a printer driver;

saving print instructions and device context in EMF;

spooling EMF data to a client spooler;

despooling EMF data to a client print processor; and initiating queuing of the print job on a print server.

However, Shaw discloses in column 9, lines 24-27 the de-spooling of a document to a printer, which one would understand would have a print processor. Shaw further suggests in column 6, lines 44-48 that a router sends information from a local spooler to a print server spooler, which indicates that a job is spooled at a local (i.e. client) spooler. Although Shaw does not explicitly disclose the de-spooling of the file locally, it would be

obvious to one of ordinary skill since the de-spooling process can just as easily be implemented on a local computer instead of a server computer. Shaw discloses in column 9, lines 22-27 that a background process in a print server queues print jobs. Again, as mentioned in claims 14 and 16 above, Shaw discloses both EMF and raw data types.

Kobayashi and Shaw are combinable because both are in the art of processing print jobs.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have applied Shaw's technique to Kobayashi 's invention.

The motivation would have been to enable easier parsing and storing of data.

Therefore, it would have been obvious to combine Kobayashi and Shaw to obtain the invention as specified.

Regarding claim 20, this claim has been addressed in claim 18 above in the Shaw reference in column 9, lines 24-27 - the de-spooling of a document to a printer.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yixing Qin whose telephone number is (571)272-7381. The examiner can normally be reached on M-F 9:30-6:00.
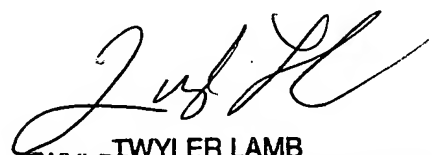
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Lamb can be reached on (571)272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YQ

TWYLER LAMB
SUPERVISORY PATENT EXAMINER